

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WARREN DURHAM, JR.,)	
)	
Plaintiff,)	
v.)	C.A. No. 04-198 Erie
)	
CITY AND COUNTY OF ERIE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on July 16, 2004 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's report and recommendation, filed on July 25, 2005, recommended that the motion to dismiss filed on behalf of Defendants the Honorable Fred P. Anthony, the Honorable Shad Connelly, and the Erie County Court of Common Pleas [Doc. # 18] be granted and that the motion to dismiss filed on behalf of Defendants City and County of Erie and Kevin Kallenbach, Esq. [Doc. # 28] also be granted. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff filed his objections on August 9, 2005 and a response was filed by Defendants City and County of Erie and Kevin Kallenbach, Esq. on August 15, 2005.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation, Plaintiff's objections and the Defendants' response thereto, the following order is entered:

AND NOW, this 17th Day of August 2005, IT IS HEREBY ORDERED that the motion to dismiss filed on behalf of Defendants the Honorable Fred P. Anthony, the Honorable Shad Connelly, and the Erie County Court of Common Pleas [Doc. # 18] be

GRANTED. IT IS FURTHER ORDERED that the motion to dismiss filed on behalf of Defendants City and County of Erie and Kevin Kallenbach, Esq. [Doc. # 28] is

GRANTED.

The report and recommendation of Magistrate Judge Baxter dated July 25, 2005 is adopted as the opinion of this Court. The Clerk is directed to mark this case "CLOSED."

s/ Sean J. McLaughlin
United States District Judge

cc: all parties of record